

REMARKS

This Preliminary Amendment is submitted in connection with a Continued Processing Application and is responsive to the Office Action dated July 2, 2000. Applicants have elected to file the CPA, along with this amendment, in lieu of an appeal brief that was to be submitted pursuant to the Notice of Appeal that was filed on January 8, 2001. Attached hereto, therefore, are a Request for Extension of Time from March 8, 2001 to July 9, 2001 and the appropriate fee.

Applicants have canceled claims 1, 2, 5, 7, 8 15-17, 20 and 39-46, without prejudice, such that only claims 47-55 remain. The following remarks are directed to the noted paragraphs in the Office Action of July 2, 2000.

Paragraph 1

This paragraph is no longer applicable in view of the herein cancellation of claims 40 and 41.

Paragraphs 2 and 3

In these two related paragraphs, the Office Action rejects claim 1 and 47 under 35 U.S.C. 112, first paragraph, as not being enabling and, on the flip side of the same coin, as containing new matter.

This paragraph is no longer applicable as to Claim 1 in view of the herein cancellation of that claim.

The Office Action rejects Claim 47, however, because it recites

b) Claim 47: "...powder that is adapted to fuse into and form a permanent bond with the molded polyethylene article..."

whereas the specification teaches that the bond is with the composition as a whole:

9:29-35 refers to a permanent bond between the composition as a whole and the polyolefin, and does not suggest that the bond is specifically between the powder and the polyolefin.

In order to resolve the section 112 rejection, Applicants have clarified the functional requirement of Claim 47's thermoplastic powder to conform to the teachings of the original specification that were quoted by the Examiner, i.e.:

a particulate thermoplastic powder that is adapted to fuse into and form a permanent bond of the decorative enhancement composition as a whole with the molded polyethylene article

As to Claim 47, therefore, Applicants respectfully submit that no further Section 112 concerns remain.

Paragraphs 4 and 5

In view of the above amendments to Claim 47 that resolve the Section 112 rejection, and the fact that Claim 47 literally reads on the process in 08/566906, Applicants respectfully submit that they are entitled to the filing date of 08/566906.

Applicants note the Action's comments regarding different ranges of weight percentages and different timings of incorporation that are contained in its patent application. Claim 47, however, does not include any limitations as to weight percentage or the timing of incorporation.

While percentage ranges and timing of incorporation are disclosed in the specification, that is only because of Applicants' obligation to disclose their preferred embodiment and reveal their best mode of practicing the invention. As the law permits, however, Applicants did not incorporate the details of their preferred embodiment into the broadest definition of their invention.

Applicants respectfully submit, in other words, that while these details are part of a preferred embodiment of their claimed invention, they are not in the invention defined by Claim 47. Claim 47, without these details, reads on 08/566906 and Applicants are entitled to the filing date of 08/566906.

Summary

Applicants earnestly solicit a Notice of Allowance with respect to Claims 47-55 in view of the herein amendments and accompanying remarks.

The Examiner is invited to call the undersigned attorney if it appears that a telephone conference would further this case in any way.

Respectfully submitted,



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FROM :

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Claims As
Amended

Claims a Amended
(Including All Pending Claims For Completeness)

- 1 47. (Amended Herein - Twice Amended) A method for permanent
2 decorative enhancement of a polyethylene surface of a molded polyethylene article,
3 which method comprises the steps of:
- 4 (a) incorporating a decorative enhancement composition to said
5 polyethylene surface wherein said decorative enhancement
6 composition consists essentially of:
- 7 (1) a liquid carrier that provides the decorative enhancement
8 composition with a consistency and viscosity necessary for
9 application by liquid methods of application; and
- 10 (2) a first mixture consisting essentially of:
- 11 (A) a colorant to impart a surface color; and
- 12 (B) a second mixture consisting essentially of:
- 13 (i) a binder to provide adhesion of the decorative
14 enhancement composition to said polyethylene
15 surface; and
- 16 (ii) a particulate thermoplastic powder that is adapted
17 to fuse into and form a permanent bond of the
18 decorative enhancement composition as a
19 whole with the molded polyethylene article;
20 and
21

21 (b) heating said decorative enhancement composition and said molded
22 polyethylene article to produce a molded polyethylene article
23 having a permanent decoratively enhanced surface characterized
24 by a colorant on and in said polyethylene surface of said molded
25 polyethylene article.

1 48. The method of Claim 47 wherein said molded polyethylene article is a
2 preformed molded polyethylene article.

1 49. The method of Claim 48 wherein said incorporating step is
2 accomplished by applying said decorative enhancement composition to said preformed
3 molded polyethylene article.

1 50. The method of Claim 49 wherein said heating step is accomplished by
2 heating said decorative enhancement composition and said preformed molded
3 polyethylene article to a temperature and for a time sufficient to fuse said decorative
4 enhancement composition to said preformed molded polyethylene article.

1 51. The method of Claim 47 wherein said liquid carrier comprises 20 to 90
2 weight percent of said decorative enhancement composition.

1 52. The method of Claim 47 wherein said first mixture of said colorant,
2 said binder, and said particulate thermoplastic powder collectively comprise 10 to 80
3 weight percent of said decorative enhancement composition.

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1 53. The method of Claim 52 wherein said colorant comprises 9 to 50
2 weight percent of said first mixture and said binder and said particulate thermoplastic
3 powder collectively comprises 50 to 91 weight percent of said first mixture.

1 54. The method of Claim 53 wherein said binder comprises 30 to 70
2 weight percent of said second mixture and is selected from the group consisting of
3 hydrocarbon resins, petroleum, synthetic waxes, emulsifiable waxes, rosins, rosin-
4 esters, terpene based resins, and chlorinated polyolefin resins.

1 55. (Amended) The method of Claim 53 wherein said particulate
2 thermoplastic powder comprises 70 to 30 weight percent of said second mixture and is
3 selected from the group consisting of polyethelene, polypropylene, and ethylene-vinyl
4 acetate co-polymers wherein said powder has a density from 0.88 to 0.97 and a particle
5 size no greater than 140 microns diameter.